

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

DOCKET NO. 1:07CR106

FILED
ASHEVILLE, N.C.

MAR -5 2010

UNITED STATES OF AMERICA,

Plaintiff,

v.

BARRON SLOAN HENDERSON

Defendant.

DISCOVERY ORDER

The United States has moved under Fed. R. Crim. P. 32.2(c)(1)(B) seeking to conduct discovery to resolve factual issues regarding the third-party Petition by Julie Maybry Henderson (Document 194) concerning her claim of an ownership interest in the four tracts of real property ordered forfeited to the United States in the Sixth Preliminary Order of Forfeiture (Document 193), entered by the Court on January 15, 2010.

The Court finds, based on the Government's submissions, that such discovery is necessary or desirable under Crim. R. 32.2(c)(1)(B) to resolve all factual issues concerning ownership and financing of the subject property.

IT IS HEREBY ORDERED THAT pursuant to Fed. R. Crim. P. 32.2, the parties may conduct discovery in accordance with the Federal Rules of Civil Procedure, for the purpose set forth above. The provisions of 21 U.S.C. § 853(n)(4) requiring a hearing within thirty days of the filing of a petition are continued at this time.

It should also be noted that neither the defendant nor the petitioner has filed a response to the government's motion for issuance of an order authorizing discovery and the applicable response period has now expired.

The Clerk is directed to remove the hearing previously scheduled in this matter for March 9, 2010.

The Clerk is further directed to provide a copy of this order to counsel for petitioner Julie Maybry Henderson and to all counsel of record.

Alexandria, VA
March 5, 2010

/s/
T. S. Ellis, III
United States District Judge